

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND	)	
SOUTHWEST AREAS PENSION FUND,	)	
and HOWARD McDOUGALL, trustee,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 07 C 6160
	)	
LINCK AGGREGATES, INC.,	)	Judge Joan H. Lefkow
a Wisconsin corporation,	)	
	)	Magistrate Judge Schenkier
Defendant.	)	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

**NOW COME** the Plaintiffs, the Central States, Southeast and Southwest Areas Pension Fund and Howard McDougall, one of its trustees (collectively referred to as the "Pension Fund") and hereby move for summary judgment pursuant to Fed. R. Civ. P. 56. In support of this Motion, the Pension Fund hereby incorporates its Statement of Material Facts and Memorandum in Support of Plaintiffs' Motion for Summary Judgment which are being filed contemporaneously herewith.

**WHEREFORE**, the Pension Fund respectfully requests that this Court enter summary judgment in favor of Plaintiffs and against Defendant Linck Aggregates, Inc. in the principal amount of \$407,140.15, together with additional amounts for pre- and post-judgment interest as allowed by law, and attorneys' fees and costs. Should the Court enter

summary judgment in Plaintiffs' favor, Plaintiffs will establish these additional amounts by affidavit at a later date as these amounts depend upon the date judgment is entered.

Respectfully submitted,

/s/ Cathy L. Rath  
Cathy L. Rath (ARDC #6275744)  
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Central States, Southeast and Southwest  
Areas Pension Fund  
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January 7, 2008

**CERTIFICATE OF SERVICE**

I, Cathy L. Rath, one of the attorneys for the Central States, Southeast and Southwest Areas Pension Fund, certify that on January 7, 2008, I caused the foregoing Plaintiffs' Motion for Summary Judgment to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

/s/ Cathy L. Rath

Cathy L. Rath

One of Central States' Attorneys